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RECEIVED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

5 Attorneys for Defendants
CITY OF SANTA CRUZ, et al.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

12 ROBERT NORSE,
13 Plaintiff,
14 vs.
15 CITY OF SANTA CRUZ, et al.,
16 Defendants.

Case No. C 02-01479-RMW

**STIPULATION AND ORDER FOR
CORRECTION OF REPORTER'S
TRANSCRIPT AND CLERK'S RECORD**

Trial Date: October 30, 2012

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19 IT IS HEREBY STIPULATED BETWEEN Kate Wells and David Beauvais, attorneys for
20 Plaintiff Robert Norse, and George J. Kovacevich, attorney for Defendants City of Santa Cruz et al, that
21 The Reporter's Transcript ("Transcript") which was submitted by Plaintiff Robert Norse in support of
22 his motion for new trial, the court clerk's minutes for the trial and the clerk's Trial Exhibit List be
23 corrected to reflect that Defendants' Exhibits C-H were admitted into evidence.

24 This stipulation is made with reference to the following facts:

- 25 1. Pages 368-372 of the Transcript record the marking of each of the Defendants' Exhibits A-H.
26 (Pages 367-3373 are attached hereto as Exhibit 1.) That portion of the Transcript also
records that Exhibits D, G, and H were DVDs that had not theretofore been shown to the jury
and they were shown respectively after they were marked.

2. After the conclusion of the marking of Defendants' exhibits and the playing of some of them to the jury at that time, counsel for Defendants then made the following request of the court: "I would move to introduce all of our exhibits." (Reporter's Transcript, page 372, lines 22-23 (RT __, __).) Counsel for Plaintiff then stated, "No objection." (RT 372, 24.) Thereafter the Transcript records the court making the following statement: "So that's A and B? All right. Those are admitted." (RT 372, 25-373, 1.) The Transcript next reads: "(Whereupon, Defendant's Exhibit Numbers A and B, having been previously marked for identification, were admitted into evidence.)" (RT 373, 2-4.)
 3. In view of (i) the clear request by Defendants' counsel that all of Defendants' marked Exhibits (A-H) be admitted and no objection thereto by Plaintiff's counsel and (ii) the fact all of the DVD exhibits had been shown to the jury at one time or another either with the Defendants' exhibit or the Plaintiff's corollary exhibit of the same content, the statement attributed to the court referring only to "A and B" was either a misstatement by the court or a mistaken recording by the court reporter.
 4. Likewise, the clerk's minutes (attached hereto as Exhibit 2) and Trial Exhibit List (attached hereto as Exhibit 3) which do not match the Transcript in that they include as admitted Defendants' Exhibit C, nevertheless remain erroneous because they do not record that Defendants' Exhibits D-H were also admitted.

Dated: September 30, 2013

By /s/

George J. Kovacevich
Attorneys for Defendants

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4 Dated: September 30, 2013

By: /s/
5 David J. Beauvais
Attorney for Plaintiff
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10 Dated: September 30, 2013

By: /s/
11 Kate Wells
Attorney for Plaintiff
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14 **ORDER**

15 The Court having considered the stipulation of the parties and good cause appearing therefor:

16 IT IS HEREBY ORDERED THAT the reporter's transcript and clerk's record be corrected as
17 specified above.

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19 Dated: P qxgo dgt"3; , 2013


Hon. Ron M. Whyte
United States District Judge